

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In Re:

**Robert McLendon And Shelley McLendon**

Case No. 10-80218

Chapter 13

Social Security No. xxx-xx-1066 and xxx-xx-3518  
Address: 1806 Larkspur Lane, Hillsborough, 27278-

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Debtors

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**OBJECTION TO CLAIM**

**NOW COME** the Debtors above-named, through counsel, pursuant to 11 U.S.C. §502 and Bankruptcy Rule 3007, who respectfully object to the proof of claim filed by the creditor GREEN TREE SERVICING, L.L.C. and dated June 7, 2010, for the following reasons:

1. The Proof of Claim includes a Note and Deed of Trust in favor of Irwin Union Bank and Trust Company, but the Proof of Claim was filed by Green Tree Servicing, L.L.C.
2. The Deed of Trust subject to this claim was determined to be an unsecured claim, due to lack of equity in the real property, in Adversary Proceeding 10-9034.
3. The Proof of Claim includes no assignment or other documentation showing that Green Tree Servicing, L.L.C. is the holder of this note or otherwise entitled to collect on this claim on behalf any party.

**WHEREFORE**, the Debtors pray that the Court enter an Order disallowing the claim in its entirety.

Dated: December 16, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Edward Boltz  
Edward Boltz  
N.C. State Bar No. 23003  
1738-D Hillandale Rd.,  
Durham, N.C. 27705  
(919) 847-9750

claimomd.wpt (rev. November 30, 2010)

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**CERTIFICATE OF SERVICE**

I, Renee Nolte, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on December 16, 2010. I served copies of the foregoing **OBJECTION TO CLAIM** electronically or, when unable, by regular first-class U.S. mail, addressed to the following parties:

GREEN TREE SERVICING, L.L.C.

**Attn: Managing Agent**

7360 South Kyrene Rd.

Tempe, AZ 85283-

U.S. Bankruptcy Administrator

Richard M. Hutson, II

Chapter 13 Trustee

/s Renee Nolte

Renee Nolte